

Mark Burby—Supplementary written evidence

1. This supplementary written submission is made to the Joint Committee on Privacy & Injunctions. It is supplementary to a written submission I made on 9 December 2011. As such it is governed by parliamentary privilege and all or any elements of this submission should be read in that context.
2. This is of particular importance as I am the subject of a super-injunction and, as adverted to in my preliminary submission made on 9 December 2011, the Claimant in those proceedings and/or the Claimant's solicitors are likely to seek to criticise me (at the very least) or to bring contempt proceedings (at the very worst) in respect of this submission to the Committee. Those proceedings, if brought, will also be in secret.
3. To that end this submission has been worded in such a way so as not to undermine the integrity of the super-injunction by which I am, in England & Wales, bound. The wording of that super-injunction is such, however, that I am not bound by its terms other than while in England & Wales.
4. I am a resident of the Bailiwick of Jersey.

My super-injunction

5. Firstly I deal with the case in which I am the subject of a super-injunction.
6. On 9 September 2009 a super-injunction was obtained in the Queen's Bench Division of the English High Court on an ex parte basis by a Claimant against three Defendants – myself, my public relations consultant and the business through which he trades.
7. I am a resident of the Bailiwick of Jersey. Publication of the matters complained of was made in Jersey, both by way of newspaper and television interviews and online, although the claimants identity was not broadcasted. The only reason that my public relations consultant and the business through which he trades were joined as Defendants to these proceedings (and are thus subject to the super-injunction in question) is because they are based in England & Wales and this, in turn, gave the English courts jurisdiction over a matter that otherwise ought properly, if at all, to have been brought in the Bailiwick of Jersey.
8. The Claimant is the ex-spouse of an Asian Head of State. A Head of State that is considered a strategic ally to the UK. As these proceedings are anonymised it would clearly be inappropriate in the context of this submission to reveal her identity. I will also take careful steps to avoid calculation of her identity although it's quite clear that there is already a significant amount of unsavoury publicity about this person already in the public domain. A fact that makes the super-injunction referred to in this submission somewhat questionable.
9. There are six areas that are the subject matter of this super-injunction (as it was ordered ex parte by Mr Justice Maddison on 9 September 2009 and as affirmed by Mrs Justice Sharp after an inter partes hearing on 3 November 2009):
 - (a) Information/allegations concerning any personal relationship of any kind between the Claimant and a man who is not her ex-husband;

- (b) Information/allegations known or believed by the Defendants or either of them to have been communicated by the Claimant to that same man;
 - (c) Information/allegations relating to steps taken by the Claimant to secure payment of a £61m judgment debt from members of her family, of which I am the beneficiary (including the fact that such steps have been taken at all);
 - (d) The fact of any details of the discussions or dealings (including alleged discussions or dealings) between the Claimant and myself about that judgment debt and any information/allegations known or believed by the Defendants to have been communicated by the Claimant to me in the course of such discussions or dealings;
 - (e) Any information calculated to identify the Claimant as the claimant in English proceedings against another individual or as the plaintiff in Australian proceedings against another individual, whom has since been assassinated, and a company that he controlled;
 - (f) Any allegation that the Claimant was involved in or responsible for that individual's murder.
10. The super-injunction requires that I must not, within England & Wales:
- (a) Publish or disclose to any person or institution any of the information or allegations set out above;
 - (b) Communicate to the Claimant (directly or indirectly) any threat to make such publication or disclosure or any request for payment or other benefit in return for not doing so;
 - (c) Otherwise harass the Claimant. (This is a key legal term that is abused in such proceedings to imply unsavoury conduct on my part and is a very misleading reference indeed)
11. While the first of these is clear, the latter two are not. How can it practically be determined how an indirect communication is made and I am culpable for it? What does harassment mean in this context, particularly when litigation is ongoing? This highlights the excessively broad scope that these injunctions, bolstered by a penal notice, cover.
12. It is important to reiterate that the super-injunction expressly does not bind me other than in England & Wales.
13. That said, while I reside in the Bailiwick of Jersey I have not at any time breached the super-injunction even though, for example, I could have communicated the subject matter of the super-injunction to any newspaper or broadcaster in any jurisdiction

other than in England & Wales and/or published these matters online other than through an internet service provider based in England & Wales.

14. Other matters that are pleaded by the Claimant as being private and/or confidential but that are not expressly covered by the terms of the super-injunction (but are impliedly covered by it) include:
- (a) Descriptions of the Claimant's body allegedly discovered in the course of the alleged sexual relationship with the man who is not the ex-husband of the Claimant. Such would demonstrate that she has perjured herself when denying that any such sexual relationship existed;
 - (b) That the Claimant offered that individual's wife money to divorce him;
 - (c) That the Claimant had become pregnant with an illegitimate child but terminated the pregnancy;
 - (d) That the Claimant had been the victim of sexual harassment by a high profile UK Arab businessman and former proprietor of a substantial UK retailer;
 - (e) Descriptions of the Claimant's feeling towards her ex-husband during and after her marriage;
 - (f) Details of the Claimant's sexual relations with her ex-husband;
 - (g) Details of the Claimant's divorce and divorce settlement;
 - (h) That the Claimant had a sexual relationship with another individual and details of that alleged relationship while she was married;
 - (i) That the Claimant had a sexual relationship with one of her two solicitors and details of that alleged relationship;
 - (j) That the Claimant's ex-husband, as a Head of State, sympathised with and supported Islamic fundamentalists;
 - (k) That the Claimant knew or suspected, from conversations with her ex-husband, that there would be major terrorist attacks on the UK (7/7) and Israel;
 - (l) That the Claimant's ex-husband flew a senior member of Al-Qaeda to the country of which he is Head of State and gave him substantial funding for Al-Qaeda.
15. Whether or not the Claimant did or did not have a relationship with the man who is not her ex-husband is, in and of itself, not a matter of public interest. It is clearly a private matter. However, it is only a matter of public interest in the context of other injunctions obtained by the Claimant in other proceedings whereby she has stated on oath that that relationship never took place and/or was not sexual in nature when both she and her solicitors are aware that that relationship did take place and/or was sexual nature. In other words, my position is that the Claimant – the ex-wife of a

foreign Head of State – has perjured herself in these and other proceedings and she has relied on that perjury to obtain injunctive relief against me (and others). Also, the said man was committed to 3 months in Brixton prison for an alleged breach of a super-injunction because he was restrained from repeating the allegation that he did have sex with the claimant. However, the claimant failing to disclose to the High Court photographic evidence in their possession of the alleged sexual encounter when applying for super-injunctions is brushed to one side. Therefore the alleged abuse of the English courts in this manner is clearly a matter of public interest.

16. If these allegations are untrue then the proper course is for the Claimant to sue in defamation. It is striking that the Claimant has refused to confirm whether she accepts that these allegations (or any of the allegations complained of) are true or untrue. However, they state that some are true and some are false but are not required to state which under the protection of the super-injunction.
17. As for the second aspect of the allegations concerning the allegation that the Claimant had agreed to secure payment of the £61m judgment of which I am the beneficial owner, that again is surely not a matter that is properly to be classified as private such as to merit the protection of a super-injunction. If the Claimant has entered into an agreement to agree to secure payment of a judgment and has then breached that agreement then that is a question of fact properly determinable by the courts. It is not private and/or confidential information per se. The existence of the super-injunction completely interferes with the equality of arms and/or commercial negotiations that would otherwise exist between parties
18. As for the third aspect of the allegations referred to expressly in the super-injunction concerning proceedings brought by the Claimant against an individual in England and Australia, who was subsequently assassinated, I again submit that that is not properly a matter that ought to be the subject of a super-injunction. If the allegation is true, it is plainly a matter of public interest that the ex-wife of a Head of State was involved in, responsible for or co-conspirator in the murder of this individual. If the allegation is false then it is defamatory and the applicable remedy for the Claimant ought to be in damages. However, the existence of the super injunction is suffocating the truth being either investigated or other witnesses evidence being obtained. It is further compounded by the fact the man assassinated was the subject of a similar/identical super-injection taken out by the same claimant to avoid publication of the same facts. He was assassinated at the juncture of making an application to have the injunction set-aside on grounds that would have, in all likelihood, been successful. This is clearly a matter of public interest.
19. As for the matters contained in the Claimant's Particulars of Claim but which are not expressly referred to in the super-injunction (but which may, by implication, be considered also to be private and/or confidential such as to be covered by its scope):
 - (a) Descriptions of the Claimant's body allegedly discovered in the course of the alleged sexual relationship that gave rise to the super-injunction would rightly ordinarily be considered to be private and/or confidential and properly to be protected by injunctive relief and/or a privacy law, other than in the context of the perjury allegation outlined above which brings the matter into the realm of public interest;

- (b) That the Claimant offered money to that individual's wife to divorce him is, again, (if true) ordinarily a matter that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory, other than in the context of the perjury allegation outlined above which brings the matter into the realm of public interest;
- (c) That the Claimant had become pregnant with that individual's child but had a termination is (if true) a matter that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory, other than in the context of the perjury allegation outlined above which brings the matter into the realm of public interest;
- (d) That the Claimant had been the victim of sexual harassment by a prominent Arab businessman is (if true) a matter that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory;
- (e) Descriptions of the Claimant's feelings towards her ex-husband during and after her marriage, details of her sexual relations with him and details of her divorce and divorce settlement are (if true) matters that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory;
- (f) Details of the Claimant's sexual relationships with another individual and/or one of her solicitors are (if true) matters that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory, other than in the context of the perjury allegation outlined above which brings these matters into the realm of public interest;
- (g) The Claimant's feelings towards her ex-husband's brother are (if true) a matter that ought properly to be seen as private and/or confidential and properly to be protected by injunctive relief and/or a privacy law or (if false) defamatory;
- (h) That the Claimant's ex-husband, as a Head of State, sympathised with and supported Islamic fundamentalism is a matter of public interest (if true) or (if false) defamatory;
- (i) That the Claimant knew or suspected, from conversations with her ex-husband, that there would be major terrorist attacks on the UK and Israel is a matter of public interest (if true) or defamatory (if false);
- (j) That the Claimant's ex-husband, as a Head of State, flew a senior member of Al-Qaeda to his country and gave him money for Al-Qaeda is a matter of public interest (if true) or defamatory (if false).

20. It can thus be seen that there are three classes of allegations/information:

- (a) Information that is clearly private and/or confidential and properly to be protected by injunctive relief and/or a privacy law (if true) or (if false) is defamatory;
 - (b) Information that would ordinarily be seen as such but for the underlying allegation of perjury;
 - (c) Information that is a matter of public interest (if true), defamatory (if false) and or is not something that should be the subject of a super-injunction.
21. The starting point must therefore surely be, in any such action brought by a claimant, for that claimant to state which of the allegations are true and which of the allegations are false. Allegations that are accepted as being true but which are averred to be private should then either be determined by a judge as being private or, if not private, be held to be in the public interest. Allegations that are false ought to be pursued by way of a claim in defamation.
22. In this instance, however, the Claimant and her solicitors have refused to state which of the allegations are true and which are false, whether in pleadings or pursuant to a formal request for further and better particulars. From the perspective of a defendant this puts that defendant at an unfair advantage.
23. Moreover the following are matters that ordinarily would be capable of being reported by the media in the context of the proceedings brought by the Claimant but for the fact that these proceedings are being held in secret and behind closed doors – in a manner that is wholly contrary to any notions of natural justice, fairness, equality of arms or the positive engagement of my Article 6 rights. The following are some of the points that can be taken from witness statements and evidence provided by some of the claimants staff and/or parties working within the palace residence for her:
- (a) the Claimant's solicitors manufactured evidence for a member of the Claimant's staff to swear in court;
 - (b) the Claimant and her solicitors paid large sums of cash to me to ensure that I, among others, would give evidence to her liking in proceedings where I was a witness;
 - (c) the Claimant hired an assassin to deal with her opponents;
 - (d) the Claimant has an obscene gambling addiction, has lied about whether or not she gambles and pressurised Muslim staff to take part in gambling with her despite it being against their religious beliefs;
 - (e) the Claimant's solicitors gambled her money in casinos with her, contrary to professional ethics and, if such gifts were not declared to HM Revenue & Customs, contrary to law;
 - (f) the Claimant hides her excessive gambling addiction by selling personal jewellery given to her by her ex-husband – in one case she then used another UK super injunction to accuse a member of her staff of stealing the jewellery that she has

laundered to hide the loss of a particular gem from her ex-husband after a family member had noticed that the item was a cheaper copy;

- (g) the Claimant had an improper, possibly sexual, relationship with one of her solicitors;
- (h) the Claimant has been using her immense wealth to harass and bully people with over powering UK legal process under the protection of a web of interlocking super injunctions (which means that the truth or otherwise of the issues behind them can never be re-examined subsequently by another court);
- (i) the Claimant has been using super injunctions to block and isolate material evidence from being heard by the court and isolated between cases;
- (j) the Claimant boasted to a member of staff (who has provided a witness statement) about the assassination of an opponent engaged in litigation against her in another jurisdiction and saying that “Burby” was next;
- (k) the Claimant’s son is homosexual – whilst his sexuality is not an issue worthy of this report and I expressly state that I feel very uncomfortable mentioning it, it is an issue that it is a criminal offence in the state of which her ex-husband (and the boy’s father) is Head of State because it means that while that Head of State’s own son engages in homosexual activity, that Head of State incarcerates his subjects for doing so;
- (l) the Claimant and her solicitors have boasted to me and others that she “owns” the courts in England & Wales and the government of the United Kingdom;
- (m) the Claimant’s solicitors have in the past boasted to me that they can obtain orders in the UK that others cannot;
- (n) one of the Claimant’s solicitors has also divulged that the Claimant’s ex-husband has made arrangements for another litigation opponent of hers to be “dealt with” by the now former leader of Egypt;
- (o) the Claimant gets her staff to cover up a wine cooler when the holy Muslim preachers (known as Mudims) come to visit her house in London. She is in possession of the Karba (a holy artifact from the shrine of the Profit Mohammed) and keeps it within close proximity of the alcohol;
- (p) the Claimants conducts disloyal collusions with her ex-husband’s official representative in London resulting in that representative being disloyal to the Head of State;
- (q) that the Head of State’s most senior representative in London, a Muslim himself, has been engaged in drinking alcohol and gambling with the Claimant, contrary to Islamic law;
- (r) the Head of State’s current wife has also been on a gambling trip to a London casino with the Claimant;

- (s) I hold photographic evidence showing the Claimant having sex with the man she denies ever having had sex with – the Claimant's solicitors also have this photographic evidence and concealed it when applying for super injunctions so as to characterize the notion of the sexual relationship as fanciful.

Issues of general principle

- 24. I return to matters relevant to my circumstances that I believe ought to interest the Committee such that I should be invited to give oral evidence to the Committee on them.
- 25. The first concerns access to third party funding and after-the-event insurance. The wording of the super-injunction in my case allowed for me to seek legal advice alone. I wanted to explore whether third party funding and/or after-the-event insurance might be available to allow for my defence and/or a counterclaim. Given the incredible power, influence and wealth of the Claimant in my case (the ex-wife of a foreign Head of State) I was and remain anxious not to reveal the identity of any such funders/insurers. I attempted to seek the permission of the courts to contact a wide number of such funders/insurers but this was rebuffed by both the Claimant and a Judge. In due course I was permitted to contact three funders/insurers but only after identifying them and giving prior notification to the Claimant (who could thus interfere with my attempts to procure funding/insurance). If access to justice and equality of arms in the context of litigation is to mean anything then surely it must provide for the party that is the subject of an injunction to be allowed to seek funding and/or insurance from whomever he wishes while, of course, safeguarding the privacy/confidence of any claimant while an interim injunction is in force. In my case, however, the Claimant and her solicitors have continually threatened both my funders and myself with contempt proceedings for some imaginary breaches of the terms of the varied injunction even though no such breaches have ever taken place. They also lied to a high court Judge stating that an order for disclosure of my funder had already been made thus requesting an endorsement of an order that did not exist and thus creating a false order by default.
- 26. This highlights not only how it is nigh on impossible for indigent respondents to gain access to justice (or to funding/insurance) but how these injunctions are being abused by claimants and their lawyers who wield the sword of Damocles over respondents', funders' and insurers' heads in an effort to become engaged in expensive satellite litigation.
- 27. In addition, my case has seen what I am advised by my former and current solicitors and counsel amount to a large number of breaches of professional rules on the part of the Claimant's solicitors. These are matters that ought properly to be brought to the attention of the Solicitors Regulation Authority. They cannot be. To do so would amount to a breach of the super-injunction. This therefore means that the regulator tasked with protecting the public in the context of the provision of legal services is unable to do so in respect of the Claimant's solicitors. This cannot be right. The SRA must surely be able to retain regulatory oversight over solicitors in all circumstances and the existence of a super-injunction, whether properly obtained or (as I allege in my case) improperly procured, should not prevent this. That lack of regulatory

control is clearly creating an opportunity for abuse of the UK legal system. An abuse that the solicitors in these proceedings are systematically abusing with the protection of the court.

28. Among the matters complained of that the Committee should realise I am unable to report to the Claimant's solicitors' own regulator (that protects the public from unscrupulous conduct by solicitors) are:
- (a) Client Conflict of Interest – between 2006 and 2009, I provided a considerable amount of acknowledged assistance to the Claimant in respect of claims she brought against other individuals in this jurisdiction and elsewhere. While I was represented by a Jersey lawyer at the initial stage, I was not represented by an English solicitor. The Claimant's solicitors were fully aware of this. They took advantage of me. I made statements in proceedings that I was told that I had to make if the Claimant was to ensure payment of a £61m judgment of which I was the sole beneficiary. "Stay in the game" is what I was repeatedly told. I relied throughout on the bona fides, judgment and advice of the Claimant's solicitors. A clear fiduciary relationship arose as between myself and those in whom I reposed trust. Now that the Claimant is engaged in litigation against me, a conflict of interest arises that ought to preclude the Claimant's solicitors from acting against me.
 - (b) Direct Conflict of Interest – I have alleged in these proceedings that the Claimant's solicitors breached duties owed to me and committed other tortious acts that mean that they ought properly to be Part 20 Defendants in Part 20 claims to be brought by me. As such, the Claimant's solicitors ought not to be continuing to act for the Claimant in these proceedings.
 - (c) Breach of Confidence – throughout the time that I was providing the Claimant's solicitors with assistance, I communicated information of a private and confidential nature about myself and my family to them. This was done so at their request in a manner that can best be described as calculating and predatory. That information is now being used against me by the Claimant in breach of confidence.
 - (d) Witness Payments – throughout the time that I provided assistance to the Claimant, I received a number of payments by her solicitors. They concocted a disguise to make those payments and to mask that these amounted to payments to provide witness evidence, which is contrary to law in England & Wales and, I suspect, in Australia (where I likewise was paid by the Claimant to give evidence).
 - (e) Cash Payments – throughout the time that I was providing assistance to the Claimant, I received a number of payments in cash by her solicitors. It is a breach of the Solicitors' Accounts Rules for cash payments to be made by solicitors and/or for false accounts to be prepared.
 - (f) Data Protection Act Breach – I made a data subject access request in February 2010 to the Claimant's solicitors. I wanted to exercise my rights under the Data Protection Act 1998 to obtain my personal data as held by them and arising

from my dealings with that firm over the previous 4 years. The Claimant's solicitors failed to comply with that data subject access request in any way, shape or form. This gives rise to causes of action under sections 7(9) and 13 of the Data Protection Act 1998. I am not permitted to do so under the restraint of the super-injunction

- (g) Incomplete Disclosure – the Claimant's solicitors knowingly and deliberately provided incomplete disclosure. I believe that they were/are attempting to hide and evade an accusation of perjury and pervert the course of justice. In a further attempt the Claimant's solicitors also claimed that one of his laptops has been stolen and critical files have been lost. However, the Claimant's solicitors refused to specify which files have been lost and why a substantial firm like theirs does not back up hard drive data. Also, the Claimant's solicitors only provided **any** disclosure at all when threatened with a court application.
- (h) Failure to Provide Inspection – the Claimant's solicitors twice failed to provide inspection of documents, notwithstanding my entitlement to inspection of documents mentioned in pleadings and that have subsequently been disclosed.
- (i) Misleading Opponents – the Claimant's solicitors claimed that they had only recently begun to act for the Claimant (after its two partners suddenly left the firm that had previously been acting for the Claimant). Unbeknown to the Claimant's solicitors, I have evidence that they had in fact been acting for the Claimant in other proceedings for over 6 months previously. The Claimant's solicitors lied in claiming that a fee dispute had led to their former firm taking a lien over the Claimant's files. I am simply not able to make any complaint about their conduct because of the restraint of the super injunction.
- (j) Misleading Courts – the Claimant's solicitors misled the court when obtaining the ex parte injunction and willfully concealed information that ought to have been provided. Pivotal to the granting of the ex-parte injunction was the alleged sexual relationship of which the Claimant's solicitors gave evidence to the court as being fanciful and untrue. While giving such evidence to obtain the ex parte injunction they willfully did not disclose that they were in possession of photographic evidence alleging the contrary. They did not inform the court that allegations had also been made accusing one of the Claimant's solicitors of having a sexual relationship with the Claimant. Throughout proceedings they have given evidence to paint a picture of the Claimant being a devout Muslim and regal lady of repute who falls victim to extortionists by virtue of being the wealthiest woman in the world. However, they have failed to disclose her gambling addiction, enjoyment of alcohol as well as other behavior that would cause her to be reviled by fellow Muslims around the world and paint a picture of her character that would have an affect on the injunctive relief she obtained.
- (k) Misleading Australian Courts – in a rather desperate attempt to quash the truth, the Claimant's solicitors lied to the Australian media by claiming that I had been lawfully served with the ex parte injunction such as to give rise to an entire edition of the *Australian Daily Telegraph* being recalled. In fact, I had not been lawfully served at all and such proof is available from the States of Jersey Viscount's Department.

- (l) Misleading Jersey Government – the Claimant and her solicitors lied to the States of Jersey Government department in an attempt to obtain a license to purchase property in Jersey by a non qualified resident, namely the Claimant. This is because they wanted to be able to own my family home and thus apply pressure on me to give evidence to their liking against the man in Australia, who has now been assassinated. I was told I could not “do any thing against the claimants interests”.
- (m) Failure to Provide Ex Parte Hearing Notes – on obtaining the ex parte injunction, it was incumbent upon the Claimant’s solicitors to provide a full note of that hearing forthwith. That note was not provided for a further 7 months despite numerous requests and denying me from being aware of the allegations they made in court against me. When they did provide that note, 7 months late, it was and still is incomplete resulting in the hearing being in private to the extent that I have been precluded from defending my lawful right in these proceedings.
- (n) Failure to Provide Bundles – the Claimant’s solicitors have repeatedly failed to provide bundles to me, for example failing to do so on 24 February 2011 (and only providing those bundles on the afternoon before the hearing before Tugendhat J on 27 May 2011). As a result, I have had no idea what has been said or shown to the court.
- (o) At the start of a hearing before Justice Slade, my wife received a direct threat in Jersey presumably to persuade her from giving evidence. This matter was reported to the States of Jersey Special Branch and I provided the evidence of the threat to the Judge requesting that the hearing be adjourned for fear of my family. Not only was my request for an adjournment declined, I was told I could not provide any information to the Police unless they made a formal application to the Judge and the claimants solicitors have refused to hand over a transcript of the hearing in my absence, despite requesting to so. I therefore have had no idea what has been said or shown to the court or why the Judge placed such draconian requirements on the Police investigation into the threat on my families safety.
- (p) Failure to Provide Documents – the Claimant’s solicitors refused to provide copies of documents referred to in pleadings (whether pursuant to CPR 31.14/31.15 or pursuant to standard disclosure) and they refused to provide copies of correspondence, applications, pleadings or orders that came into existence during the lacuna between my former solicitors acting for me (namely April 2010 to March 2011). This uncooperative approach runs wholly contrary to the spirit and requirements of the Civil Procedure Rules. However, the super-injunctions prevents any such complaint of conduct being made and is enabling abuse of the UK justice process.
- (q) Discourteous Correspondence – the Claimant’s principal solicitor in particular delights in sending inappropriate, aggressive and discourteous correspondence to his opponents and their solicitors. That correspondence rarely, if ever, advances the litigation. His goal seems to be to cause costs to rise inexorably,

unsurprisingly given that the Claimant is the wealthiest woman in the world a significant advantage over her opponents.

- (r) Gambling with the Claimant – the Claimant’s solicitors regularly go gambling with her (notwithstanding that she has presented herself in these proceedings and elsewhere as a devout Muslim). As well as being wholly inappropriate and unprofessional, this also gives rise to a conflict of interest. This also results in them applying improper pressure to employees of the Claimant who are forced to gamble contrary to their religious beliefs.
- (s) Denial of Access to Witnesses – the Claimant’s solicitors have procured the granting of a myriad of injunctions in the UK and elsewhere that mean that I could not speak to any witnesses about this case until 27 May 2011 and, even then, cannot speak to any other enjoined witnesses in other proceedings (such as the man with whom I have evidence she had an affair) until injunctions in those proceedings have likewise been lifted making it impossible for witness evidence to be obtained without being in contempt of court. The network of super-injunctions starts with one order and that is spring boarded to legitimize and justify the need for others thus creating precedent based on credibility that simply did not exist in the first place.
- (t) Taking an Unfair Advantage – the Claimant’s solicitors sought to have a trial take place on 7 March 2011 without any notice being given to me at all. When I asked for proof that I had been told that the trial was due to take place on that date, the Claimant’s solicitors at first ignored correspondence and then lied that I had received such notification when I had not (and the Claimant’s solicitors well knew that I had not). In addition the Claimant’s solicitors have lied about whether or not hearings were in private – claiming they were when even their own note of the hearing says that they were not (as was the case before Tugendhat J on 24 February 2011).
- (u) Blocking Regulatory Complaints – I wished to complain about the Claimant’s solicitors to the Solicitors Regulation Authority in respect of a variety of aspects of their conduct (including those outlined above). Due notice of such an intended complaint was given. The Claimant’s solicitors refused to consent to the super-injunction being varied so as to allow for enjoined information to be provided to their regulator. Such a refusal is wholly unacceptable in the context of the regulation of the provision of professional services.
- (v) Abuse of Process – the Claimant’s solicitors have obtained a web of injunctions and super-injunctions in England & Wales, Singapore and Australia in an effort to prevent the Claimant’s opponents from talking to each other. They well know that if any such conversations took place then those individuals risk being found to be in contempt of court and/or perjury.
- (w) Collateral Purpose – as can be seen by these proceedings, the Claimant’s solicitors’ primary interest seems to be to obtain injunctions and super-injunctions with a view simply to intimidating the Claimant’s opponents (and their lawyers) and then entrapping them so that contempt proceedings can be

brought. The consequences of such contempt proceedings then fall on the public purse.

- (x) Conspiracy – the Claimant's solicitors have engaged in a conspiracy of a criminal nature that has resulted in the Claimant's former lover being jailed, the lives of others being ruined and the reputation of the Claimant to be protected when that reputation deserves to be traduced. In particular, the Claimant's solicitors know as a matter of fact that the Claimant had a sexual relationship with that man and yet they have prepared documents for the court that they know are untrue (including documents signed by the Claimant's staff). Similarly tape recordings prove that other allegations denied are, in fact, true. As a result, the Claimant should stand accused of perjury and her solicitors for perverting the course of justice should stand in contempt of court. However, they will not because of the protection they receive from the super-injunction.
29. I repeat that I am mentioning these matters to highlight the serious matters that I am prevented from reporting to the Claimant's solicitors' regulator (and that cannot be reported in the print and broadcast media) by virtue of a super-injunction granted nearly 2½ years ago where not a single judgment in respect of any of the interim hearings has ever been published.
30. A further problem revolves around my inability likewise to report certain matters to the police. Not only was it the Claimant's and the court's view that I was unable to report matters of national security and/or impending or past criminal acts to the police in England & Wales but supposedly I am unable to do so in the Bailiwick of Jersey (which, given that the injunction does not bite, other than in England & Wales, is nonsense). Again, a form of protected privilege ought to apply in this regard too. It cannot be right that someone who is the subject of an injunction cannot bring matters of such a nature to the attention of the police. The police are there to protect us all. They must be able to know matters that ought to be made known to them without barriers of hurdles being deployed by the very people, the claimant and her lawyers, who are the subject of the complaint

Conclusion

31. I have, as the Committee will observe, been very careful indeed in the way that I have described the super-injunction that relates to me. I have been careful not to reveal the identity of the Claimant, nor to go into any undue detail that breaches the spirit of the injunction. In any event, of course, this written submission is protected by parliamentary privilege and I am not bound by the terms of the injunction in Jersey (where I am resident and from where I have prepared and sent this supplementary submission).
32. I am aware that the Lord High Chancellor, Kenneth Clarke, gave evidence to the Committee last week. When the thrust of my situation was put to him, he responded by saying that super-injunctions "are now being granted only for very short periods where secrecy is necessary to enable service of the order". He went on to say that "you cannot have just long-running secret litigation". That, of course, is incorrect as the super-injunction against me has been in place since 9 September 2009 and it remains in place to this day. The litigation brought against me is indeed secret litigation

and has been secret litigation for well over 2 years. None of the interim rulings made by the judges in these proceedings have been published, even in an anonymised or redacted form. The litigation has been going on wholly in secret and with my Article 6 rights being infringed and ignored. But of course, without my ability to give evidence to this enquiry under Parliamentary Privilege, the Select Committee would be none the wiser and indeed the Lord Chancellor could say what ever he liked.

33. In the event that the Committee would welcome any clarification of points raised in this submission, or would welcome oral evidence from me, I remain ready, able and willing to provide such assistance to the Committee on short notice.

23 January 2012